

## **Part 4**

### **Office of Administrative Rules**

#### **63G-3-401 Office of Administrative Rules created -- Coordinator.**

- (1) There is created within the Department of Administrative Services the Office of Administrative Rules, to be administered by a coordinator.
- (2) The coordinator shall hire, train, and supervise staff necessary for the office to carry out the provisions of this chapter.

Amended by Chapter 193, 2016 General Session

#### **63G-3-402 Office of Administrative Rules -- Duties generally.**

- (1) The office shall:
  - (a) record in a register the receipt of all agency rules, rule analysis forms, and notices of effective dates;
  - (b) make the register, copies of all proposed rules, and rulemaking documents available for public inspection;
  - (c) publish all proposed rules, rule analyses, notices of effective dates, and review notices in the bulletin at least monthly, except that the office may publish the complete text of any proposed rule that the executive director or the executive director's designee determines is too long to print or too expensive to publish by reference to the text maintained by the office;
  - (d) compile, format, number, and index all effective rules in an administrative code, and periodically publish that code and supplements or revisions to it;
  - (e) publish a digest of all rules and notices contained in the most recent bulletin;
  - (f) publish at least annually an index of all changes to the administrative code and the effective date of each change;
  - (g) print, or contract to print, all rulemaking publications the executive director determines necessary to implement this chapter;
  - (h) distribute without charge the bulletin and administrative code to state-designated repositories, the Administrative Rules Review Committee, the Office of Legislative Research and General Counsel, and the two houses of the Legislature;
  - (i) distribute without charge the digest and index to state legislators, agencies, political subdivisions on request, and the Office of Legislative Research and General Counsel;
  - (j) distribute, at prices covering publication costs, all paper rulemaking publications to all other requesting persons and agencies;
  - (k) provide agencies assistance in rulemaking;
  - (l) if the department operates the office as an internal service fund agency in accordance with Section 63A-1-109.5, submit to the Rate Committee established in Section 63A-1-114:
    - (i) the proposed rate and fee schedule as required by Section 63A-1-114; and
    - (ii) other information or analysis requested by the Rate Committee;
  - (m) administer this chapter and require state agencies to comply with filing, publication, and hearing procedures; and
  - (n) make technological improvements to the rulemaking process, including improvements to automation and digital accessibility.
- (2) The department shall establish by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, all filing, publication, and hearing procedures necessary to make rules under this chapter.

- (3) The office may after notifying the agency make nonsubstantive changes to rules filed with the office or published in the bulletin or code by:
  - (a) implementing a uniform system of formatting, punctuation, capitalization, organization, numbering, and wording;
  - (b) correcting obvious errors and inconsistencies in punctuation, capitalization, numbering, referencing, and wording;
  - (c) changing a catchline to more accurately reflect the substance of each section, part, rule, or title;
  - (d) updating or correcting annotations associated with a section, part, rule, or title; and
  - (e) merging or determining priority of any amendment, enactment, or repeal to the same rule or section made effective by an agency.
- (4) In addition, the office may make the following nonsubstantive changes with the concurrence of the agency:
  - (a) eliminate duplication within rules;
  - (b) eliminate obsolete and redundant words; and
  - (c) correct defective or inconsistent section and paragraph structure in arrangement of the subject matter of rules.
- (5) For nonsubstantive changes made in accordance with Subsection (3) or (4) after publication of the rule in the bulletin, the office shall publish a list of nonsubstantive changes in the bulletin. For each nonsubstantive change, the list shall include:
  - (a) the affected code citation;
  - (b) a brief description of the change; and
  - (c) the date the change was made.
- (6) All funds appropriated or collected for publishing the office's publications shall be nonlapsing.

Amended by Chapter 193, 2016 General Session

**63G-3-403 Repeal and reenactment of Utah Administrative Code.**

- (1) When the executive director determines that the Utah Administrative Code requires extensive revision and reorganization, the office may repeal the code and reenact a new code according to the requirements of this section.
- (2) The office may:
  - (a) reorganize, reformat, and renumber the code;
  - (b) require each agency to review its rules and make any organizational or substantive changes according to the requirements of Section 63G-3-303; and
  - (c) require each agency to prepare a brief summary of all substantive changes made by the agency.
- (3) The office may make nonsubstantive changes in the code by:
  - (a) adopting a uniform system of punctuation, capitalization, numbering, and wording;
  - (b) eliminating duplication;
  - (c) correcting defective or inconsistent section and paragraph structure in arrangement of the subject matter of rules;
  - (d) eliminating all obsolete or redundant words;
  - (e) correcting obvious errors and inconsistencies in punctuation, capitalization, numbering, referencing, and wording;
  - (f) changing a catchline to more accurately reflect the substance of each section, part, rule, or title;
  - (g) updating or correcting annotations associated with a section, part, rule, or title; and

- (h) merging or determining priority of any amendment, enactment, or repeal to the same rule or section made effective by an agency.
- (4)
  - (a) To inform the public about the proposed code reenactment, the office shall publish in the bulletin:
    - (i) notice of the code reenactment;
    - (ii) the date, time, and place of a public hearing where members of the public may comment on the proposed reenactment of the code;
    - (iii) locations where the proposed reenactment of the code may be reviewed; and
    - (iv) agency summaries of substantive changes in the reenacted code.
  - (b) To inform the public about substantive changes in agency rules contained in the proposed reenactment, each agency shall:
    - (i) make the text of their reenacted rules available:
      - (A) for public review during regular business hours; and
      - (B) in an electronic version; and
    - (ii) comply with the requirements of Subsection 63G-3-301(10).
- (5) The office shall hold a public hearing on the proposed code reenactment no fewer than 30 days nor more than 45 days after the publication required by Subsection (4)(a).
- (6) The office shall distribute complete text of the proposed code reenactment without charge to:
  - (a) state-designated repositories in Utah;
  - (b) the Administrative Rules Review Committee; and
  - (c) the Office of Legislative Research and General Counsel.
- (7) The former code is repealed and the reenacted code is effective at noon on a date designated by the office that is not fewer than 45 days nor more than 90 days after the publication date required by this section.
- (8) Repeal and reenactment of the code meets the requirements of Section 63G-3-305 for a review of all agency rules.

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